

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAMIAN HERRON,)
)
Plaintiff,)
)
v.) Case No. 4:21-cv-00526-SEP
)
MISSOURI PROBATION AND PAROLE,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court upon review of Plaintiff's *pro se* complaint. The complaint is defective in that it was not drafted on the Court-provided form. *See* E.D. Mo. Local Rule 2.06(A). Additionally, Plaintiff must either pay the filing fee or file a separate motion to proceed *in forma pauperis*, along with his prison account statement. *See* 28 U.S.C. § 1915(a). Because Plaintiff is proceeding pro se, the Court will allow him to file an amended complaint on the Court-provided form. Plaintiff has twenty-one (21) days from the date of this Order to file an amended complaint in accordance with the specific instructions set forth below. All claims in the action must be included in one, centralized complaint form. *See* Fed. R. Civ. P. 7(a)(1), 8(a).

Plaintiff is warned that an amended complaint replaces the original complaint, so Plaintiff must include each and every one of the claims he wishes to pursue in the amended complaint. *See, e.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). Any claims from the original complaint that are not included in the amended complaint will be deemed abandoned and will not be considered. *Id.* The allegations in the complaint must show how each and every defendant is directly responsible for the alleged harms. If Plaintiff wishes to sue defendants in their individual capacities, he must specifically say so in the amended complaint. If Plaintiff fails to sue defendants in their individual capacities, this action may be subject to dismissal.

All of Plaintiff's claims should be clearly set forth in the "Statement of Claim." If Plaintiff fails to file an amended complaint on the Court-provided form within twenty-one (21) days of this Order and in compliance with the Court's instructions, the Court will dismiss this action without prejudice and without further notice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to mail Plaintiff a copy of the Court's prisoner civil rights complaint form.

IT IS FURTHER ORDERED that the Clerk is directed to mail Plaintiff a copy of the motion to proceed *in forma pauperis* form for prisoners.

IT IS FURTHER ORDERED that Plaintiff must file an amended complaint on the Court-provided form within twenty-one (21) days of the date of this Order.

IT IS FURTHER ORDERED that Plaintiff must either pay the \$400 filing fee or submit a motion to proceed *in forma pauperis* within twenty-one (21) days of the date of this Order.

IT IS FURTHER ORDERED that if Plaintiff files a motion to proceed *in forma pauperis*, he must also file a certified copy of his prison account statement for the six-month period preceding the filing of the amended complaint.

IT IS FINALLY ORDERED that if Plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice. If the case is dismissed for non-compliance with this Order, the dismissal will not count as a "strike" under 28 U.S.C. § 1915(g).

Dated this 29th day of June, 2021.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE